

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JOSE MUNOZ,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

Civil Action No. 10-796 (FSH)

ORDER TO ANSWER

April 26, 2010

HOCHBERG, District Judge:

A Motion to vacate, set aside or modify sentence having been filed in the above action pursuant to 28 U.S.C. § 2255, and notice having been given pursuant to *United States v. Miller*, 197 F.3d 644 (3d Cir. 1999),

IT IS on this 26th day of April, 2010,

ORDERED that the Clerk of the Court shall serve copies of the Motion, this Order, and all other documents docketed in this matter upon Respondent by certified mail, return receipt requested, with all costs of service advanced by the United States; and it is further

ORDERED that Respondent shall file a full and complete answer(s) to said Application within 45 days of the entry of this Order, *see Ukawabutu v. Morton*, 997 F.Supp. 605 (D.N.J. 1998); and it is further

ORDERED that Respondent's answer(s) shall respond to the factual and legal allegations of the Application by each paragraph and subparagraph; and it is further

ORDERED that Respondent shall raise by way of its answer(s) any appropriate defenses which it wishes to have the Court consider, including, but not limited to, exhaustion and timeliness, and also including, with respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; and it is further

ORDERED that the answer(s) shall be accompanied by certified copies of all documents including, but not limited to, any pleadings, process, orders, transcripts, summaries, briefs, appendices, opinions, and judgments filed in the trial proceedings, or such of them as may be material to the questions raised in the Application.

/s/ Faith S. Hochberg

Honorable Faith S. Hochberg, U.S.D.J.